

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
No. 3:09-cr-35

UNITED STATES OF AMERICA                     )  
   )  
   )     ORDER  
   )  
vs.   )  
   )  
ERIC CHRISTOPHER ORR                         )  
   )  
\_\_\_\_\_  
   )

**THIS MATTER** is before the Court upon full remand from the United States Court of Appeals for the Fourth Circuit for consideration in light of United States v. Simmons, 649 F.3d 237 (4th Cir. 2011).

The defendant was convicted of a violation of 18 U.S.C. § 922(g)(1). (Doc. No. 30: Verdict). Following Simmons, the government concedes that none of the defendant's prior convictions subjected him to a term of imprisonment exceeding one year. Therefore, the defendant's conviction in the instant case is no longer valid.

**IT IS, THEREFORE, ORDERED** that the defendant's conviction is vacated and this case is DISMISSED.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: March 9, 2012



Robert J. Conrad, Jr.  
Chief United States District Judge

